

### **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action dated February 8, 2007 (hereinafter referred to as the "Office Action"). A petition and fee for a one month extension of time extending the period for response until June 8, 2007 accompanies this response.

Claims 21-33 are pending. There is but one rejection remaining in force. Specifically, the Office Action rejects Claims 21 and 23-29 under 35 U.S.C. 102(e) as being anticipated by United States patent number 6,650,686 issued to Kondo (the patent hereinafter referred to as "Kondo").

The United States filing date for Kondo is July 27, 1999. The foreign priority date for Kondo is July 30, 1998. However, despite the claim for foreign priority, the effective 35 U.S.C. 102(e) date is the United States filing date of July 27, 1999 (see *In re Hilmer*, 359 F.2d 859, see also the Manual of Patent Examining Procedure MPEP, section 2136.03, subsection I). Accordingly, if priority can be shown in the present patent application to prior than July 27, 1999, the 35 U.S.C. 102(e) rejection should be withdrawn.

The present application is a national stage 371 patent application of PCT international patent application number PCT/JP00/03868 filed June 14, 2000 in the Japanese receiving office. Thus, the priority date of the present application is at least established back to June 14, 2000. However, that PCT patent application claimed priority under 35 U.S.C. 119 to several Japanese patent applications including Japanese patent application number 11-168899 (hereinafter the "Japan '899 application") filed June 15, 1999 prior to the 35 U.S.C. 102(e) effective date of Kondo. Accordingly, the priority date for the present application is June 15, 1999. Nevertheless, to properly establish June 15, 1999 as the effective filing date of the present

application, it will be shown that the claims that are rejected under 35 U.S.C. 102(e) are properly supported under 35 U.S.C. first paragraph by the Japan '899 application.

Accompanying this response is a Certified English translation of the Japan '899 application. Support for Claims 21 and 23-29 may be found throughout the Japan '899 patent application. Specifically, Claim 21 of the present application is supported at least by Claim 1 and sections [0030] and [0031] of the Japan '899 application. Claim 23 of the present application is supported at least by Claim 3 of the Japan '899 application. Claim 24 of the present application is supported at least by Claim 4 and sections [0031] and [0032] of the Japan '899 application. Claim 25 of the present application is supported at least by Claim 4 and section [0032] of the Japan '899 application. Claim 26 of the present application is supported at least by Claim 5 of the Japan '899 application. Claim 27 of the present application is supported at least by Claim 6 of the Japan '899 application. Claim 28 of the present application is supported at least by Claim 7 of the Japan '899 application. Claim 29 of the present application is supported at least by Claim 4 and sections [0030] through [0032] of the Japan '899 application.

Accordingly, since the rejected claims are supported by the foreign priority document, which predates the effective 35 U.S.C. 102(e) date of Kondo, the 35 U.S.C. 102(e) rejection should be withdrawn.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8<sup>th</sup> day of June, 2007.

Respectfully submitted,

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